



## **PLANNING COMMISSION AGENDA**

### *Synopsis*

**Wednesday, July 14, 2004**

**3:30 P.M. Commissioner Photo Identification Badge**

*151 W. MISSION (HEALTH BUILDING NEXT TO CITY HALL)*

ROOM 202C

**4:30 P.M. Study Session / Orientation**

*151 W. MISSION (HEALTH BUILDING NEXT TO CITY HALL)*

ROOM 202B

**6:00 p.m. Regular Meeting**

Council Chambers, Room 205, City Hall

801 North First Street  
San Jose, California

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good evening, my name is **Jay James** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***July 14, 2004***. Please remember to turn off your cell phones and pagers.

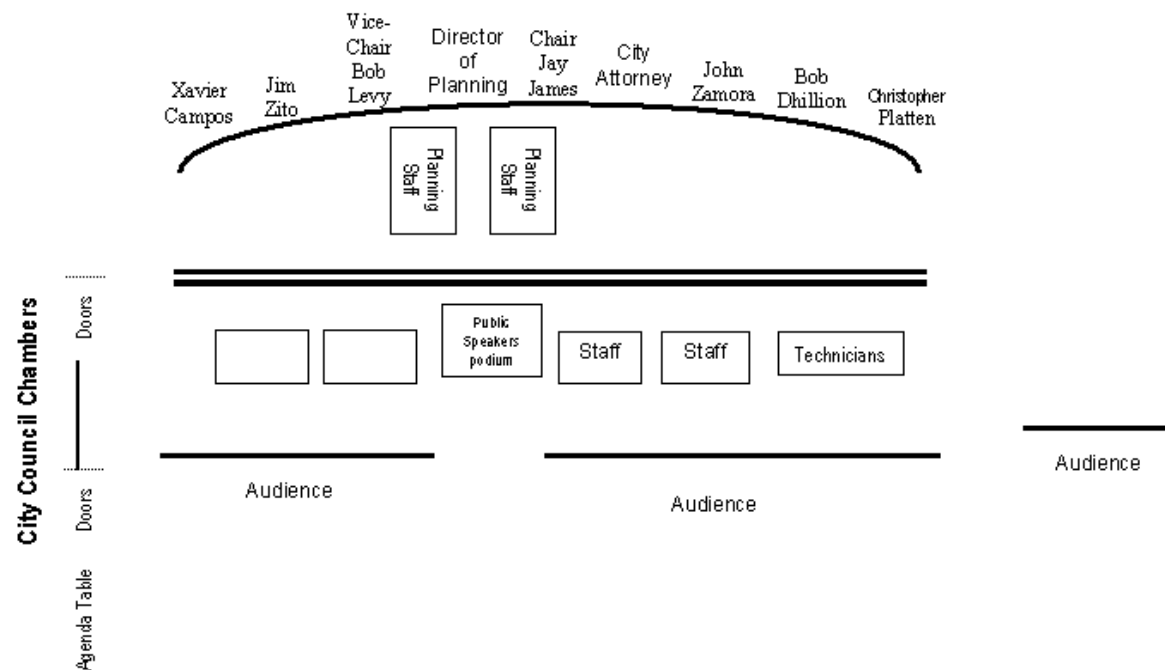
If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

- ? After the staff report, applicants and appellants may make a 5-minute presentation.
- ? The chair will call out names on the submitted speaker cards in the order received.
- ? As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- ? After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- ? Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- ? The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



## **AGENDA**

### **ORDER OF BUSINESS**

#### 1. **ROLL CALL**

*ALL WERE PRESENT, EXCEPT JAMES.*

#### 2. **DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

#### 3. **CONSENT CALENDAR**

##### **NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.**

- a. CP04-022. CONDITIONAL USE PERMIT to install 3 wireless communication antennas inside the cross of a church, increase the height of the cross to 50 feet, and locate an equipment shelter totaling 128 square feet on a 5.31 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at southeast corner of Calero and Cahalan Avenues (794 Calero Avenue) (Roman Catholic Bishop Of San Jose, Owner). Council District 10. SNI: None. CEQA: Exempt.

*APPROVED (6-0-1; JAMES ABSENT). PULLED FROM CONSENT BY MEMBER OF PUBLIC REGARDING HEIGHT. STAFF CLARIFIED HEIGHT INCREASE IN STEEPLE IS ONLY SIX FEET.*

- b. CP03-043. CONDITIONAL USE PERMIT to allow a 250 square-foot addition to an

- c. CP03-049. CONDITIONAL USE PERMIT to allow continued operation of a 31-bed residential service facility for which the previously approved Conditional Use Permit (File No. CP97-033) has expired on a 0.36 gross acres site in the R-M Multiple Residence Zoning District, located at/on southeast side of Vermont Street, approximately 450 feet southwesterly of Myrtle Street (1072 Vermont Street) (Combined Addicts & Professionals Services, Owner). Council District 6. SNI: None. CEQA: Negative Declaration, File No. CP97-033.

*APPROVED (6-0-1; JAMES ABSENT). PULLED FROM CONSENT BY COMMISSIONER ZITO WITH CONCERN ABOUT WHETHER LIVING SPACE SHOWN MEETS THE HOUSING AND BUILDING CODES. THE COMMISSION ADDED CONDITION TO REQUIRE INSPECTION TO CONFIRM THAT LIVING QUARTERS MEET HOUSING AND BUILDING CODES.*

- d. PDC04-042. PLANNED DEVELOPMENT REZONING from R-1-8 Residential Zoning District to A(PD) Planned Development Zoning District to allow two (2) single family detached residences on a 0.26 gross acre site, located on the north side of Willow Glen Way approximately 250 feet from Bird Avenue (765 Willow Glen Way) (Robert Cullen, Owner). Council District 6. SNI: None. CEQA: Exempt.

*RECOMMEND APPROVAL (6-0-1; JAMES ABSENT).*

The following items are considered individually

#### **4. PUBLIC HEARINGS**

- a. CP04-041. CONDITIONAL USE PERMIT in conjunction with an Alcohol Beverage Control Exception (ABC04-003) to allow off-sale of alcohol beverages at a grocery store in an existing retail shopping center (Blossom Hill Shopping Center) on a 3.5-acre site in the CP Pedestrian Commercial Zoning District located on the northwest corner of Blossom Hill Road and Coniston Way (1337 Blossom Hill Road) (Kera Plaza Llc, Owner). Council District 9. SNI: None. CEQA: Exempt.

*APPROVED (6-0-1; JAMES ABSENT).*

- b. CP04-046. CONDITIONAL USE PERMIT in conjunction with an Alcohol Beverage Control Exception (ABC04-004) to allow for the off-sale of alcoholic beverages at a grocery store on a 9.5 gross-acre site in the CG General Commercial Zoning District located on the southeast corner of Jackson Road and Rinehart Road (2327 McKee Road) (Chi Chiu Lo Trust, Owner). Council District 5. SNI: None. CEQA: Exempt.

*PROVIDED ABOUT THE LINK BETWEEN ALCOHOL AND BEHAVIORAL CRIME ISSUES BY THE COUNTY SHERIFF AND THE DEPUTY SUPERINTENDENT OF EAST SIDE UNION HIGH SCHOOL WITH BASIC CONCERN REGARDING ANY NEW OUTLET FOR ALCOHOL SALES WITH LARGE AREA HIGH SCHOOL.*

*COMMISSIONER CAMPOS CLARIFIED THE OTHER LOCATIONS IN THE BROADER VICINITY OF THE PROPOSED MARKET WITH FULL SERVICE GROCERY STORES WITH OFF-SALE OF LIQUOR AND NOTED NONE IN AREA WITH FULL-SERVICE GROCERY FOCUSED TO SERVE LATINO COMMUNITY. COMMISSIONER PLATTEN COMMENTED HIS VOTE TO APPROVE WAS TOUGH DECISION, GIVEN CONNECTION BETWEEN ALCOHOL AND SOCIETAL ILLS, BUT THAT SITE NOT IMMEDIATELY PROXIMATE TO THE HIGH SCHOOL AND NO OTHER LATINO FOCUSED GROCERY STORE IN AREA. IN ADDITION, HE RECOMMENDED CONCERNED RESIDENTS WORK WITH COUNCIL TO REVIEW POLICY GUIDANCE.*

*COMMISSIONER CAMPOS SUPPORTED COMMISSIONER PLATTEN'S COMMENTS, ADDING THAT THE COMMUNITY SHOULD FOCUS ON VENUES WHICH ARE MORE LIKELY TO TARGET YOUTH, LIKE MINI-MARKETS AND LIQUOR STORES, AND THAT THE COMMISSION SHOULD SUPPORT SMALL BUSINESSES WHICH ADDRESS A PARTICULAR CUSTOMER NICHE, AND THAT THE PROPOSAL FIT THE EXISTING POLICY GUIDELINES. COMMISSIONER ZITO EXPRESSED APPRECIATION THAT APPLICANT UNDERSTOOD THE RESPONSIBILITY OF OFF-SALE OF ALCOHOL AND THAT INFORMATION ABOUT THE STORE'S ID CHECK POLICIES AND TRAINING PROGRAM FOR ALCOHOL WAS A KEY ELEMENT OF DECISION TO APPROVE.*

*BOTH COMMISSIONERS ZITO AND PLATTEN THANKED THE COUNTY SHERIFF AND SCHOOL DISTRICT REPRESENTATIVE FOR ATTENDING, AND TO PUT IN THE RECORD THEIR VIEW THAT A 1,000 FOOT DISTANCE FROM SCHOOLS WOULD LIKELY BE MORE APPROPRIATE TO ADDRESS CONCERNS REGARDING YOUTH ALCOHOL ISSUES THAN THE CURRENT POLICY'S 500 FEET DISTANCE FROM SCHOOLS.*

*COMMISSIONER LEVY ECHOED THESE COMMENTS, AND PARTICULARLY INDICATED THAT THE CONVENIENCE FOR THESE GROCERY STORE CUSTOMERS OF THE ANCILLARY SALE OF ALCOHOL WOULD OUTWEIGH THE SLIGHT ADDITIONAL RISK OF NEW OFF-SALE VENUE, BUT THAT HE NOTED PERMIT CONDITIONS REGARDING ALCOHOL SALES AREA WOULD HELP ENSURE USE STAYS ANCILLARY, AND THAT NEW SUPERMARKET FOR LATINO COMMUNITY WILL BE A TREMENDOUS BENEFIT TO SURROUNDING*

2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda.

**SPEAKERS**

*1<sup>ST</sup> DALE WARNER – REQUESTED TO REVIEW ANY STATION DESIGNS NEAR LIGHT RAIL STATION CURRENTLY ON FILE.*

*2<sup>ND</sup> LORNA CHANG – NOTED PARCELS NEAR TRANSIT CORRIDOR HAVE SHORTAGE OF GREEN SPACE AND IS INTERESTED IN EXPLANATION OF PAST AREA PARKS PLANNING. STAFF NOTED FUTURE STUDY SESSION WILL BE SCHEDULED AND WILL BE AN OPPORTUNITY FOR PUBLIC TO ATTEND.*

*3<sup>RD</sup> KIM SINGH – EXPRESSED CONCERN ABOUT CLOSURE OF SEVERAL GAY AND LESBIAN BUSINESSES IN SAN JOSE, AND WILL RESEARCH POSSIBLE CAUSES AND PROVIDE INFORMATION TO STAFF.*

*4<sup>TH</sup> TERESA McLAUGHLIN – REVISED PARKLAND ISSUE FROM PRIOR MEETING, WANTS TO ENCOURAGE PARKS STUDY SESSION BE SCHEDULED AS SOON AS POSSIBLE. STAFF NOTED OTHER RESEARCH AND COORDINATION NEEDED AND DATE COULD BE NOT FOR SEVERAL MONTHS.*

**6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

*NONE.*

**7. GOOD AND WELFARE**

- a. Report from City Council
  - o *DESIGN REVIEW COMMITTEE STATUS UPDATE.*
  - o *COUNCIL UPHELD APPEAL OF THE CIVIC CENTER GARAGE EIR*
- b. Commissioners' reports from Committees:
  - ? Norman Y. Mineta San Jose International Airport Curfew Monitoring Committee (Dhillon and James).  
*NO AIRPORT MEETING*
  - ? Coyote Valley Specific Plan (Platten)

*BOB LEVY, CHAIR (4-2-1; PLATTEN, CAMPOS OPPOSED, JAMES ABSENT). BOB DHILLON, VICE-CHAIR (6-0-1; JAMES ABSENT). COUNSEL PROVIDED CLARIFICATION OF COMMISSION BY-LAWS. ELECTION SHALL BE HELD AT MEETING IMMEDIATELY FOLLOWING JUNE 30, 2004, AND THAT CHAIR AND VICE-CHAIR SERVE 1 YEAR TERMS. COMMISSION DISCUSSION REGARDING POSSIBLE "DEADLOCK" WITH JAMES ABSENT. COMMISSIONER DHILLON EXPRESSED NO TIE VOTE HAD YET OCCURRED. COMMISSIONER CAMPOS NOMINATED COMMISSIONER JAMES AS CHAIR, COMMISSIONER PLATTEN SECONDED. THE MOTION FAILED 2-3-1-1 LEVY, ZITO, DHILLON OPPOSED, JAMES ABSENT, PHAM ABSTAINED. SEVERAL COMMISSIONERS NOTED THAT CHAIR JAMES HAD SERVED TWO YEARS, AND WAS ON RECORD THAT TWO ONE-YEAR TERMS WOULD GENERALLY BE APPROPRIATE. IN ADDITION, SEVERAL COMMISSIONERS NOTED USUAL PROGRESSION OF THE VICE-CHAIR TO THE OFFICE OF CHAIR.*

*A SECOND MOTION NOMINATING COMMISSIONER LEVY AS CHAIR WAS APPROVED (4-2-1; PLATTEN, CAMPOS OPPOSED, JAMES ABSENT). COMMISSIONER DHILLON WAS NOMINATED BY COMMISSIONER CAMPOS AND WAS VOTED AS VICE-CHAIR (6-0-1; JAMES ABSENT).*

## **8. ADJOURNMENT**

### **2004 PLANNING COMMISSION MEETING SCHEDULE**

July 26	4:30 p.m.	Study Session	Room 400
		<b>Coyote Valley Specific Plan</b>	
July 26	6:00 p.m.	General Plan Hearing	Council Chambers
July 28	6:00 p.m.	Regular Meeting	Council Chambers
August 11	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
August 25	6:00 p.m.	Regular Meeting	Council Chambers
September 8	6:00 p.m.	Regular Meeting	Council Chambers
September 22	6:00 p.m.	Regular Meeting	Council Chambers
<b>September 23</b>	<b>8:30 a.m./4:30 p.m.</b>	<b>Annual Retreat</b>	<b>Museum of Art, 110 S. Market</b>
October 13	6:00 p.m.	Regular Meeting	Council Chambers
October 27	6:00 p.m.	Regular Meeting	Council Chambers
November 1	6:00 p.m.	General Plan Hearing	Council Chambers
November 10	6:00 p.m.	Regular Meeting	Council Chambers